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Letter dated 2 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 September 2002 (S/2002/1006). The Counter-Terrorism Committee has received the attached supplementary report from Maldives, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 26 December 2003 from the Permanent Mission of Maldives to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Representative of the Republic of Maldives to the United Nations presents his compliments to the Chairman of the Counter-Terrorism Committee and further to the Mission's note, dated 20 January 2003, has the honour to submit herewith the second report of the Republic of Maldives, in accordance with Security Council resolution 1373 (2001) (see enclosure).

Enclosure*

SECOND REPORT SUBMITTED BY THE REPUBLIC OF MALDIVES IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION 1373 (2001)

* Annexes are on file with the secretariat and are available for consultation.

Revised Report of the Maldives under Security Council Resolution 1373

The Maldives submitted its first report in April 2002 pursuant to paragraph six of the Security Council Resolution 1373 (2001). This revised report attempts to provide responses to the specific details sought by the Counter Terrorism Committee in its communication under reference S/AC.40/2002/MS/OC.144 dated 30 August 2002. These details are provided in a manner that corresponds to the questions raised in the said communication. The Maldives has consistently supported all international measures towards the elimination of terrorism, having experienced the terror and tragic consequences of a terrorist attack in 1988. The Maldives, since then, has reiterated at the General Assembly every year the need for the enhancement of international cooperation to combat and eliminate terrorism. Following the tragic events of September 11, the Government of Maldives strongly condemned the terrorist attacks in the United States, and expressed solidarity with the American people, and voiced its readiness to cooperate fully with the international community to combat terrorism.

Following are the responses to the specific questions arising from the operative paragraphs of Security Council resolution 1373. Copies of unofficial translations of the Maldivian laws referred to in the responses are attached to this revised report.

Operative Paragraph: 1 (a)

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?

Law on Prevention of Terrorism in the Maldives (Law No. 10/90) defines terrorist offences and acts of terrorism. Section 3 of the said law regards the provision of funds, material or any other form of assistance towards planning and execution of any of the activities specified in the law. Apart from Law No 10/90, Law on Narcotics Drugs and Psychotropic Substances (Law No. 17/77) and Law on the Prevention and Prohibition of Corruption (Law No. 2/2000) subscribe to the legislative framework against financing of terrorist acts and money laundering. Section 6 of Law No. 17/77 in particular prohibits the receiving, keeping and use of goods or money obtained, or with reason to believe to have been obtained through indulgence in an act prohibited under the Law. The same section prohibits the laundering of proceeds from offences under the said Law.

Operative Paragraph: 1 (b)

What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

Section 2 of Law No. 10/90 defines terrorist acts. They include causing and attempting to cause death and bodily harm; instilling fear in a person or the public; kidnapping, hostage taking, hijacking and attempts thereof; the importation, manufacture, possession, use, attempted use, sale or distribution of fire arms, ammunition or any type of bombs or explosives without the express permission of the Government; and dealing in firearms and related items; and setting on fire or causing damage to property.

Section 3 of the said Law regards the provision of funds or any other form of assistance towards committing or planning of any of the activities specified in the Law as acts of terrorism.

In order to bring the perpetrators of terrorist acts to justice, the Law on Terrorism (Law No.10/90) prescribes the following sentences to perpetrators of terrorist acts.

1. Those found guilty of terrorist acts or aiding and abetting of such acts that result in death, may be sentenced to death or life imprisonment of banishment for life.

2. Those found guilty of terrorist acts or aiding and abetting such acts that do not result in any death may be sentenced to between 10 and 15 years imprisonment or banishment.

3. Those who withhold information on any terrorist act may be sentenced to between 5 and 10 years imprisonment or banishment.

The Maldives regards terrorist acts as serious offences. As such, the punishment prescribed under the national laws reflects this seriousness.

Operative Paragraph: 1 (c)
What legislation and procedures exist for freezing accounts and assets at banks and financial institutions?

The Maldives Monetary Authority (MMA) as the regulatory authority for activities in the financial sector under the Maldives Monetary Authority Act (1981), monitors the compliance of the financial institutions with relevant laws and regulations in effect in the Maldives. The MMA issues directives to the banks to be vigilant in "Knowing Your Customers." It also issues Freeze Orders based on the consolidated list under resolution 1373. These Freeze Orders and other directives are binding on all commercial banks and other financial institutions in the Maldives. To date, there have been no known cases of unusual financial transactions through the banking system in the Maldives.

Operative Paragraph: 1 (d)
What measures exist to prohibit the activities listed in this sub-paragraph?

The Maldives has no legislation for regulating informal banking networks. There does not exist an environment for Hawala. The country has an expatriate population close to 25,000, but the expatriates use the normal banking channels for transfer of funds. The Maldives Monetary Authority monitors transfer of large sums of money by requiring banks to notify it in writing of such transfers.

As the regulatory authority for activities in the financial sector under the Maldives Monetary Authority Act (1981), MMA requires the banks to report on a daily basis any unusual movement of funds through the banking system especially in line with surveillance activities following the events of September 11, 2001.

The laws and regulations that help to ensure supervision of the financial sector are the Maldives Monetary Authority Act (1981), Regulations for Banks and Financial Institutions, Regulations for Finance Leasing Companies and Finance Leasing Transactions, MMA's Circulars and Directives to the commercial banks and other financial Institutions. These provide authority to the MMA to gain unobstructed access to records of financial institutions, investigate unusual transactions and to take action against suspected criminal activities in the area.

Operative Paragraph: 2 (a)
What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Law on the Prevention of Terrorism in the Maldives (Law No. 10/90) provides the legislative framework to deal with acts of terrorism. Recruitment to terrorist groups will be dealt with under this Law.

Law No. 4/75 governs the importation, production and handling of arms, ammunitions and explosives and is intended to prevent any arms and ammunitions from being shipped into unauthorized hands. The Ministry of Defence and National Security is tasked with the enforcement of the law. The law prohibits any person from acquiring firearms, possession of guns or importing weapons into the Maldives without the authorization of the Ministry of Defence and National Security.

Operative Paragraph: 2 (b)
What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning, mechanisms exist to allow exchange of information with other states?

The National Security Service (NSS) provides early signals to the South Asian Association for Regional Cooperation (SAARC) Terrorist Monitoring Desk (STOMD) in Colombo which has been set up to collate, analyse and disseminate information on terrorist incidents, tactics, strategies and methods in an effort to prevent the movement of terrorists or terrorist groups by effectively controlling them at the borders. The NSS also works with the INTERPOL to share information on the movement of terrorists and others engaging in criminal activities.

Furthermore, the Department of Immigration and Emigration closely monitors the entry and exit of persons to prevent listed/wanted people from entering to, or transiting in the Maldives.

The new Customs procedures monitor the movement of cargo consignments to intercept illegal consignments or those that may be destined to terrorist groups.

Operative Paragraph: 2 (c)
What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph?

The Maldives relies on information from the Interpol and other law enforcing agencies to deny entry into the Maldives by persons who are listed as wanted terrorists or suspected of being terrorists. No such cases have been found in the Maldives as yet.

Operative Paragraph: 2 (d)
What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens?

The criminalisation of hijacking and attempted hijacking as terrorist acts under Section 2 (a) of Law No. 10/90 and the requirement of express permission of the Government, under Section 2 (c) of the Act, for importation, manufacture, possession, sale or distribution of firearms, ammunition or any type of bombs or explosives, together with the Maldives Monetary Authority Act (1981) do prevent those who finance, plan, facilitate or commit terrorist acts from using the Maldives as a base against other States and/or their citizens. The criminalisation of the use of funds and/or materials, or any other forms of assistance towards the commission or planning of these terrorist acts (Section 3 of the Act) and the cancellation of registrations or licences of those corporate or associate bodies registered in the Maldives if found to have contributed towards the commission of such acts (Section 4 of the Act) are mechanisms that help prevent terrorist acts being committed from the Maldives.

Operative Paragraph: 2 (e)
What steps have been taken to establish terrorist acts as serious criminal offences and to endure that the punishment reflects the seriousness of such terrorist acts?

Law on Prevention of Terrorism in the Maldives does criminalize acts of terrorism including causing and attempting to cause death and bodily harm; instilling fear among the public, kidnapping, hostage taking, hijacking and attempts thereof; the importation, manufacture, possession, use attempted use, sale or distributions of fire arms, ammunitions or any type of bombs or explosives related items without the express authorization of the government; and setting on fire or causing damage to any property.

Persons who commit acts of terrorism, and those who participate in the commission or planning of such an act in the Maldives, which result in the death of any person, are punishable by death or, life imprisonment or banishment for life. The punishment for aiding and abetting the commission of the crime or concealment of any such information is imprisonment or banishment for a term not less than ten years but not exceeding fifteen years

(Section 6 (a)). Whoever commits an act of terrorism, and participates in the commission or planning of such an act in the Maldives, which does not involve the death of any person shall be punishable by imprisonment or banishment for a term not less than ten years but not exceeding fifteen years. The sentence for aiding and abetting the commission of the crime or concealment of any such information is imprisonment or banishment for a term not less than three years but not exceeding seven years (Section 6 (b)). Section 6 (c) of the Act gives the discretion to the court to order a specified period of the term of imprisonment to be served with hard labour.

Operative Paragraph: 2 (f)
What procedures and mechanisms are in place to assist other states?

The Maldives provides information to the SAARC Terrorism Offences Monitoring Desk (STOMD) with a view to assist other member countries in their criminal investigations or criminal proceedings relating to the financing or support of terrorist acts. Besides this, there is intelligence sharing with friendly countries on a bilateral basis, and through the INTERPOL in the case of other countries.

Operative Paragraph: 2 (g)
How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

The National Security Service (NSS) and other law enforcement agencies such as the Maldives Customs Service, the Department of Immigration and Emigration, and the Airport Security, work jointly to deny terrorists entry into the Maldives. The authorities depend on tip-offs from the Interpol and law enforcement agencies of other states. In addition, there is enhanced screening processes for passengers, luggage and cargo at ports and airports. Following 9/11, the Customs procedures have been made more stringent. The Department of Immigration and Emigration has enhanced measures to monitor closely the entry and exit of persons to prevent listed/wanted people from entering or transiting the Maldives. The NSS, as the principal agency responsible for law enforcement activities, has enhanced security measures at air and sea ports and has improved its coordination with the Customs and Immigration authorities.

Maldivian travel documents are issued on the submission of a copy of the national identity card and the birth certificate. The person receiving a travel document is required to present himself/herself at the Department of Immigration and Emigration in person for the collection of the travel document. Those who are too ill to present themselves at the Department of Immigration and Emigration, are required to submit in writing to the Department, identifying a person who would collect the document on his/her behalf. Whoever collects the document on behalf of someone else, is required to present his/her national identity card and a letter of authorisation. Those reporting loss of a travel document and requesting for a new travel document has to submit a police report on the loss of the travel document. To prevent forgery, the security features in the Maldivian passports have been increased and are now machine readable.

Operative Paragraph: 3 (a)
What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

A LAN has been established between the Male' International Airport and the Department of Immigration and Emigration, which provides instant access to previous records if any suspicious cases appear at the entry point. Similarly, contacts with the Interpol and STOMD have been strengthened.

Operative Paragraph: 3 (b)
What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

Law enforcement agencies have been instructed to share information with the law enforcement agencies of other countries to prevent commission of terrorist acts and in case of commission of a terrorist act to cooperate with them to arrest and bring those responsible to justice. The Maldives, through SAARC Terrorism Offences Monitoring Desk (STOMD) and SAARC Drug Offences Monitoring Desk (SDOMD) share information with other countries in the South Asia region on terrorist incidents, tactics, strategies and methods.

Operative Paragraph: 3 (c)
What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

There are no bilateral and multilateral agreements, but the Government of Maldives remains open to working with other countries and institutions.

Operative Paragraph: 3 (d)
What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

The Maldives is already party to the following 7 of the 12 global conventions on terrorism. They are:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 November 1973.

- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.

- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

- Convention on the Marketing of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague 16 December 1970.

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.

In addition, the Maldives is also party to the SAARC Regional Convention on Suppression of Terrorism signed in 1987. The Government of Maldives is in the process of studying the remaining conventions.

The Government has just completed studying the International Convention for the Suppression of the Financing of Terrorism adopted by the United Nations General Assembly on 9 December 1999. The Government hopes to ratify the Convention in the near future.

Operative Paragraph: 3 (e)
Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph?

The Ministry of Finance and Treasury of the Republic of Maldives is alerted to additions to the consolidated list under resolution 1373, who conveys the information to the Maldives Monetary Authority (the central bank). MMA instructs all commercial banks and other financial institutions to check their records and freeze any assets/accounts held by those added to the list.

Operative Paragraph: 3 (f)
What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status?

The Maldives has no legislation that governs asylum seeking and granting of refugee status. However, the Maldives would comply with its international and bilateral obligations in denying asylum and residency to terrorists or members belonging to or associated with terrorist groups.

Operative Paragraph: 3 (g)
What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists.

The Maldives does not accept any refugees, and as such the issue of abusing refugee status does not arise.

*Operative Paragraph: 4 – **Assistance***

The Government of Maldives is in the process of drawing up an Anti-Money Laundering Law and establishing a Financial Intelligence Unit (FIU). The MMA, as the coordinating authority, is seeking technical assistance from the US Government and the World Bank in these fields.

23 December 2003